

## REMARKS

Claims 1-6, 8-16, 18-21 and 22-29 are pending in the present application. By this amendment, Claim 1 has been amended; and Claims 7, 17 and 22 have been canceled. Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and following remarks.

### **I. Formal Matters:**

#### Rejections under 35 U.S.C. §112, second paragraph

Claim 17 stands rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for the term “the precursor film.” This rejection is respectfully traversed.

The term “precursor film” is used in Claim 1 and is defined in the specification as the film from which the final, biodegradable film is made. The initial film formed is the precursor film. The biodegradable film is produced by processing the precursor film. The precursor film is processed to produce a biodegradable film that has the desired characteristics of porosity, breathability, and ductility. This may be done by stretching. Accordingly, since Applicants have described how to form the precursor film and how it is processed to for the biodegradable film, Applicants respectfully submit that the term “precursor film” is definite. However, to expedite prosecution, Claim 17 has been canceled. Accordingly, Applicants respectfully request withdrawal of this rejection.

### **II. Prior Art Rejections:**

#### Rejections under 35 U.S.C. § 102(e)

Claims 1-11, 14-21 and 24-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,432,547 to Kroll *et al.* (hereafter “Kroll”). This rejection is respectfully traversed.

Claim 1 is directed to, *inter alia*, a film comprising a biodegradable polymer; and a water soluble polymer, wherein the film is breathable and has a water vapor transmission rate greater than about 1500 g/m<sup>2</sup>/24hrs, further wherein the film is wettable and has an elongation at break of greater than about 100%.

Kroll is directed to a film formed from a blend of a resin with a water-soluble polymer. The film formed from this blend has a degree of breathability as a result of the materials used as no additional process steps are used to process the film once it has been formed.

It is respectfully submitted that Kroll fails to teach or suggest Applicants' claimed invention. Applicants' claimed invention provides a film that is highly breathable, porous and wettable. This is achieved through a cellular morphology of the films that results during film formation. Kroll fails to teach or suggest Applicants' claimed invention as Kroll is simply directed to the formation of films by mixing two polymers together and forming a film. However, Applicants' claimed films not only mix two polymers together and form a film, Applicants then take this film and form into the claimed film by additional processing steps. As such, Applicants' claimed films have breathability and elongation-at-break characteristics that are not taught or suggested by Kroll since Kroll does not teach or suggest Applicants' processing steps to achieve the final films. Applicants' films are wettable and are formed by stretching while the film is contacted with water or another solvent in some manner. As shown in the Specification, the contact with water may occur by etching with water or a solvent; by contacting with water or a solvent; or by swelling with water or a solvent and then freezing and drying. These steps achieve the claimed breathability and elongation-at-break, not simply mixing a biodegradable resin with a water-soluble resin and forming into a film.

Additionally, even if the films in Kroll were stretched, this stretching alone would not generate Applicants' claimed breathability. Stretching of the film does not generate pores when no pores are present. Stretching can increase breathability if pores or void areas exist in the unstretched film. However, these pores do not exist in Kroll and, therefore stretching alone would not increase the breathability of Kroll's films. Applicants' claimed films have high breathability since the contact with water etches out or partially removes the water-soluble polymer to get the resulting cellular structure and porous film. Additionally, the porous nature of Applicants' claimed films also enhances the elongation-at-break of these films and permits the films to be stretched even further than the films made by Kroll. As such, since Kroll fails to teach or suggest Applicants' additional processing steps, and since these processing steps produce films having higher breathability and elongation-at-break, it is respectfully submitted that Kroll fails to teach or suggest Applicants claimed films.

For at least the reasons given above, Applicants respectfully submit that Claim 1 is allowable over the art of record. Furthermore, since Claims 2-11, 14-21 and 24-29 recite additional claim features and depend from Claim 1, these claims are also allowable over the art of record. Accordingly, Applicants respectfully request withdrawal of this rejection.

Rejections under 35 U.S.C. § 103(a)

Claims 12-13 and 22-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kroll. This rejection is respectfully traversed.

Applicants' claimed invention may be relied upon as above.

Applicants' discussion of Kroll may be relied upon as above.

It is respectfully submitted that Kroll fails to teach or suggest Applicants' claimed invention. As set forth previously, Kroll fails to teach or suggest additional processing steps and, therefore, fails to teach or suggest a film having Applicants' claimed breathability and elongation-at-break. Accordingly, Kroll fails to teach or suggest Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that Claim 1 is allowable over the art of record. Furthermore, since Claims 12-13 and 22-23 recite additional claim features and depend from Claim 1, these claims are also allowable over the art of record. Accordingly, Applicants respectfully request withdrawal of this rejection.

**III. Conclusion:**

For at least the reasons given above, Applicant submits that Claims 1-6, 8-16, 18-21 and 22-29 define patentable subject matter. Accordingly, Applicant respectfully requests allowance of these claims.

The foregoing is submitted as a full and complete Response to the Office Action mailed October 3, 2002, and early and favorable consideration of the claims is requested.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact Applicant's representative at the telephone number listed below.

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No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Theodore M. Green". The signature is fluid and cursive, with the first name being more prominent.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**Amendments in the Claims**

In accordance with 37 C.F.R. 1.121(c), the following versions of the specification and claims as rewritten by the foregoing amendments show all changes made relative to the previous version of the specification and claims.

**In The Claims:**

Please cancel Claims 7, 17 and 22 without prejudice or disclaimer.

Please amend the claims as follows:

1. (Amended) A film comprising:  
a biodegradable polymer; and  
a water soluble polymer,

wherein the film is breathable and has a water vapor transmission rate greater than about [500]  
1500 g/m<sup>2</sup>/24hrs;

further wherein the film is porous and wettable and has an elongation at  
break of greater than about 100%.